IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 35141 of 2004(H)

PETITIONER:

ALEYAMMA CHACKO, W/O.VARGHESE C.I.,
LOWER PRIMARY SCHOOL ASSISTANT,
AMLP SCHOOL, PALAKKAD, PALAKKAD P.O.,
KUZHIMANNA VIA., MALAPPURAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.**

3. **THE DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM.**

4. **THE ASST. EDUCATIONAL OFFICER, KIZHISSERY, AREACODE-VIA, MALAPPURAM DISTRICT.**

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

W.P.(C) No.35141 of 2004

Dated 21st February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 4th respondent to consider and dispose of Ext.P4 representation in the light of the judgment reported in 2004(3) KLT 533, and to disburse the benefits due to the petitioner, forthwith."

The issue pertains to counting of aided school service prior to 27.11.1979. In the decision reported in **Rajendran v. State of Kerala** (2004(3) KLT 533), it has been held by this Court that provisional service rendered by Government employees and aided school teachers prior to 27.11.1979 is liable to be treated as qualifying service. There will be a direction to the 4th respondent to take appropriate action on Ext.P4 in the light of the decision referred to above, within a period of two months from the date of production of a copy of the judgment and the judgment referred to above. The eligible benefits also shall be disbursed to the petitioner within another one month.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 21st February, 2007.